AMENDMENT TO THE CLAIMS

In the claims:

Please cancel claims 3, 5, 13, 14, 18, 22 and 30 without prejudice.

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) An isolated polynucleotide comprising a manganese superoxide dismutase regulatory element operably linked to a heterologous polynucleotide, wherein the regulatory element comprises the ~~derived from a~~ nucleotide sequence ~~selected from the group consisting of SEQ NO:1 and~~ of SEQ ID NO:2, the regulatory element being capable of causing inducible transcription or expression of an operably linked heterologous polynucleotide.

2. (currently amended) An isolated human manganese superoxide dismutase regulatory element ~~derived from~~ consisting of the nucleotide sequence of SEQ NO:2, the regulatory element being capable of causing inducible transcription or expression of an operably linked heterologous polynucleotide.

3. (cancelled)

4. (currently amended) An isolated regulatory element of ~~any one of the preceding~~ claims 2 operably linked to a heterologous polynucleotide so that, upon activation of the regulatory element, transcription or expression of the heterologous polynucleotide is induced.

5. (cancelled)

6. (currently amended) An isolated polynucleotide of ~~regulatory element of any one of the preceding claims~~ claim 1, wherein the heterologous polynucleotide encodes a cytoprotectant.

7. (currently amended) An isolated polynucleotide of ~~regulatory element of any one of the preceding claims~~ claim 1, wherein the heterologous polynucleotide encodes an antisense mRNA.

8. (currently amended) An isolated polynucleotide of ~~regulatory element of any one of the preceding claims~~ claim 1 which induces transcription or expression of an operatively linked heterologous polynucleotide in the presence of an inflammatory stimulus.

9. (currently amended) An isolated ~~regulatory element~~ polynucleotide of claim 8, wherein the inflammatory stimulus is selected from the group consisting of TNF-α, IL-1β, and LPS.

10. (currently amended) An isolated polynucleotide of ~~regulatory element of any one of the preceding claims~~ claim 1, which induces transcription or expression of an operatively linked heterologous polynucleotide in the presence of 5-aminosalicylic acid.

11. (currently amended) An isolated polynucleotide of ~~regulatory element of any one of the preceding claims~~ claim 1, wherein the regulatory sequence is operatively linked to a promoter sequence.

12. (currently amended) The isolated ~~regulatory element~~ polynucleotide of claim 11, wherein the promoter is the Herpes simplex thymidine kinase promoter.

13. (cancelled)

14. (cancelled)

15. (currently amended) A cell transformed with an isolated ~~regulatory element~~ polynucleotide of claim 1 ~~any one of the preceding claims claims~~.

16. (currently amended) An inducible expression system comprising:

a) an isolated polynucleotide comprising a manganese superoxide dismutase regulatory element operably linked to a heterologous polynucleotide, wherein the regulatory element comprises the ~~derived from a~~ nucleotide sequence of ~~selected from the group consisting of SEQ NO:1, nucleotide sequences having at least about 90% identity to SEQ ID NO:1, SEQ ID NO:2 and~~

~~nucleotide sequences having at least about 70% identity to~~ SEQ ID NO:2, ~~wherein~~ the regulatory element ~~induces~~ being capable of causing inducible transcription or expression of ~~an~~ the ~~operably linked~~ heterologous polynucleotide upon activation; and

b) a compound which activates the regulatory element, or a polynucleotide encoding a compound which activates the regulatory element.

17. (original) The expression system of claim 16 wherein the regulatory element is a human regulatory element

18. (cancelled)

19. (original) The expression system of claim 16 wherein the compound which activates the regulatory element is an inflammatory stimulus.

20. (original) The expression system of claim 19 wherein the compound which activates the regulatory element is selected from the group consisting of TNF-α, IL-1β, and LPS.

21. (original) The expression system of claim 16 wherein the compound which activates the regulatory element is 5-aminosalicylic acid.

22. (cancelled)

23. (original) The expression system of claim 16 further comprising a promoter operably linked to the regulatory element.

24. (original) A method of producing a polypeptide comprising introducing the expression system of claim 22 into a cell under conditions suitable for expression of the heterologous polypeptide.

25. (currently amended) A method of achieving inducible transcription or expression of a heterologous polynucleotide in a cell, the method comprising introducing into a cell an isolated polynucleotide comprising a manganese superoxide dismutase regulatory element operably linked to a heterologous polynucleotide, wherein the regulatory element comprises the ~~derived from a~~

nucleotide sequence of ~~selected from the group consisting of SEQ NO:1, nucleotide sequences having at least about 90% identity to SEQ ID NO:1,~~ SEQ ID NO:2, ~~and nucleotide sequences having at least about 70% identity to SEQ ID NO:2~~, the regulatory element being capable of causing inducible transcription or expression of an operably linked heterologous polynucleotide.

26. (original) The method of claim 25 further comprising introducing into the cell an effective amount of a compound which activates the regulatory element to induce transcription or expression of an operatively linked polynucleotide, or a polynucleotide encoding the compound.

27. (original) The method of claim 26 wherein the compound is an inflammatory mediator.

28. (original) The method of claim 27 wherein the compound is selected from the group consisting of TNF-α, IL-1β, and LPS.

29. (original) The method of claim 26 wherein the compound is 5-aminosalicylic acid.

30. (cancelled)